

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

SARAH GRAMMAR, as Administratrix)
of the Estate of Melvinteen Daniels,)
Deceased,)

Plaintiff,)

v.)

JOHN J. KANE REGIONAL CENTERS -)
GLEN HAZEL,)

Defendant.)

Civil Action No. 06-781

Judge Lancaster
Magistrate Judge Hay

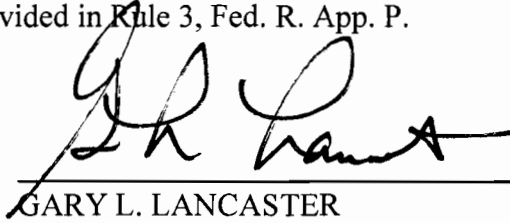
ORDER

AND NOW, this 6th day of April, 2007, after the plaintiff, Sarah Grammar, filed an action in the above-captioned case, and after a motion to dismiss was submitted by defendant, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, upon consideration of the objections filed by plaintiff and the response to those objections filed by defendant, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation,

IT IS HEREBY ORDERED that the Report an Recommendation is amended as follows: the last sentence of the first paragraph appearing on page 6 of the Report and Recommendation is stricken as being an overly broad interpretation of the Supreme Court's holding in Gonzaga University v. Doe, 536 U.S. 273 (2002), and superfluous to the analysis.

IT IS FURTHER ORDERED that the Report and Recommendation is otherwise adopted as the opinion of the Court and that defendant's motion to dismiss (Dkt. No. 9) is granted.

IT IS FINALLY ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the plaintiff desires to appeal from this Order she must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.

A handwritten signature in black ink, appearing to read "Gary L. Lancaster", is written over a horizontal line.

GARY L. LANCASTER
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

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